



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Consideration of Two Draft Resolutions Amending  
City Policy on Nepotism.

MEETING DATE: May 1, 1991

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration of the attached two draft  
resolutions amending City policy on nepotism.

BACKGROUND INFORMATION: As directed by the Council at its meeting of  
April 17, 1991, attached are two draft  
resolutions, offering options for the City's  
nepotism policy.

These were prepared in response to concerns regarding employees related to  
members of City Advisory Boards, and also situations in which part time  
employees may supervise other part time employees.

Option A modifies the City's existing nepotism policy as adopted in  
Resolution 90-109 by simply removing reference to members of "Advisory  
Board(s) to that Department".

Option B is similar to Option A in removing reference to members of  
Advisory Boards. In addition, Option B also would state explicitly that  
the nepotism policy as it applies to situations in which one family member  
might "... supervise, dispatch or evaluate ..." does not apply to part  
time employees. This would address the situation discussed at the  
meeting in which persons who referee athletic events on a part time basis  
might find themselves supervising other family members who are part time  
City employees.

FUNDING: None Required.

*BM McNatt*  
Bob McNatt  
City Attorney

BM/vc

APPROVED: \_\_\_\_\_

THOMAS A. PETERSON  
City Manager

ESTABLISHING A POLICY IN REGARD TO EMPLOYMENT OF RELATIVES  
WITHIN THE CITY OF LODI CLASSIFIED SERVICE AND THEREBY  
RESCINDING RESOLUTION NO. 90-109 PERTAINING THERETO

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I. It is the policy of the City of Lodi not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants on the basis of familial or marital status. No employee, prospective employee, or applicant shall be denied employment or benefits of employment on the basis of his or her familial or marital status. This policy applies to the selection of persons for a training program leading to employment in addition to the above-designated persons. The City of Lodi reserves the right to reasonably regulate for reasons of supervision, safety, security, or morale, the working of spouses and relatives in the same department, division, or facility.

Further, the Council finds that in the following situations and pursuant to Government Code §12940(3), the following provisions are necessary:

Marital status is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for the purpose of this anti-discrimination policy.

Spouse is defined as a partner in marriage as defined in California Civil Code Section 4100.

Familial status is defined as the state of an individual's specific relatives working for the City of Lodi and shall include spouse, child, brother, sister, parent or parent-in-law.

II. The City of Lodi shall prohibit the initial appointment to a position within the City of Lodi of any person or employee who has the status of marital or familial relationship with the Lodi City Manager, Assistant City Manager, City Attorney, or Personnel Director, members of the City Council and in the case of Library employees, members of the Library Board or the City Librarian. Further, the City will prohibit the employment in that Department of any person who has status of marital or familial relationship with the Department Head of that Department.

III. The City of Lodi shall prohibit the initial appointment or advancement of any person or employee to any position within any department within the City of Lodi, wherein that person so appointed or advanced would or may in any manner or form, supervise, dispatch, or evaluate; or wherein that person would or may be supervised, dispatched or evaluated by any person within the same department, where, in either event, there exists a marital or familial status factor between said persons.

In the event two persons employed in the same City department marry each other and would thereby fall within the prohibitions listed in this Resolution, one of such employees shall be transferred to a comparable position, if any exists, in another City department.

Resolution No. 90-109 is rescinded upon the adoption of this Resolution.

Dated: \_\_\_\_\_, 1991

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I hereby certify that Resolution No. 91-\_\_ was passed and adopted by the Lodi City Council in a regular meeting held \_\_\_\_\_, 1991 by the following vote:

Ayes: Council Member -

Noes: Council Member -

Absent: Council Member -

ALICE M. REIMCHE  
City Clerk

91-

RESNEPOA/TXTA.01V

-2-

ESTABLISHING A POLICY IN REGARD TO EMPLOYMENT OF RELATIVES  
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In the event two persons employed in the same City department marry each other and would thereby fall within the prohibitions listed in this Resolution, one of such employees shall be transferred to a comparable position, if any exists, in another City department.

Resolution No. 90-109 is rescinded upon the adoption of this Resolution.

Dated: \_\_\_\_\_, 1991

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I hereby certify that Resolution No. 91-\_\_ was passed and adopted by the Lodi City Council in a regular meeting held \_\_\_\_\_, 1991 by the following vote:

Ayes: Council Member -

Noes: Council Member -

Absent: Council Member -

ALICE M. REIMCHE  
City Clerk

RESOLUTION NO. 91-78

ESTABLISHING A POLICY IN REGARD TO EMPLOYMENT OF RELATIVES  
WITHIN THE CITY OF LODI CLASSIFIED SERVICE AND THEREBY  
RESCINDING RESOLUTION NO. 90-109 PERTAINING THERETO

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I. It is the policy of the City of Lodi not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants on the basis of familial or marital status. No employee, prospective employee, or applicant shall be denied employment or benefits of employment on the basis of his or her familial or marital status. This policy applies to the selection of persons for a training program leading to employment in addition to the above-designated persons. The City of Lodi reserves the right to reasonably regulate for reasons of supervision, safety, security, or morale, the working of spouses and relatives in the same department, division, or facility.

Further, the Council finds that in the following situations and pursuant to Government Code §12940(3), the following provisions are necessary:

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III. The City of Lodi shall prohibit the initial appointment or advancement of any person or employee to any position within any department within the City of Lodi, wherein that person so appointed or advanced would or may in any manner or form, supervise, dispatch, or evaluate; or wherein that person would or may be supervised, dispatched or evaluated by any person within the same department, where, in either event, there exists a marital or familial status factor between said persons. The provisions of this paragraph (Part III) shall not apply to part time employees who may supervise, dispatch or evaluate other part time employees.

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Resolution No. 90-109 is rescinded upon the adoption of this Resolution.

Dated: May 1, 1991

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I hereby certify that Resolution No. 91-78 was passed and adopted by the Lodi City Council in a regular meeting held May 1, 1991 by the following vote:

Ayes: Council Member - Pennino, Pinkerton, Snider  
Noes: Council Member -- Sieglock, Hinchman (Mayor)  
Absent: Council Member - None

  
JENNIFER M. PERRIN  
DEPUTY CITY CLERK

for ALICE M. REIMCHE  
City Clerk

91-78

RES9178/TXTA.02J